CHAPTER 3.5
Cultural Resources

This Chapter discusses the existing cultural resources in the Program Area, including historical resources, archeological resources, paleontological resources, and human remains; identifies potential impacts the Scott River Watershed-wide Permitting Program (Program) could have on those resources; and identifies mitigation measures for those impacts determined to be potentially significant.

3.5.1 Setting

Ethnography

Scott Valley and the Scott River watershed are within the ethnographic territory of the Shasta Indians, who are one of four northern California Hokan-speaking groups collectively termed Shastan peoples. Several references discuss the culture of these people (Dixon, 1907; Holt, 1946; Kroeber, 1925; Silver, 1978). The information below is derived from these sources, unless otherwise cited. Historically, the Shasta occupied territories in present-day California and Oregon including almost all of Siskiyou County in California and Jackson and Klamath counties in Oregon. The four main divisions of the Shasta peoples roughly correspond to topographic features: Shasta Valley, Scott Valley, approximately 60 miles of the Klamath River Basin, and the Rogue River Valley.

Permanent winter villages were located along the major rivers and tributaries; and during the other seasons, the Shasta lived in temporary brush huts or bark houses, as they moved to various resource locations. The fundamental social unit of the Shasta was the family. Many villages were small, composed of only one extended family, and larger villages had a headman. Some ownership of land and resource exploitation areas was practiced with regard to village territories, hunting and fishing areas, tobacco plots, and oak trees. Three ethnographic villages are reported in the Valley by Heizer and Hester (1970) and by Silver (1978:211). *Ar'ro-a-re-ho-rah* is located on Scott River west of the mouth of Indian Creek; *Wer'-re-wah-hah* is on Scott River east of the mouth of Indian Creek; and *Kwah-pa'sah-se-rah* is located on Scott River near Fort Jones.

The Shasta were hunters and gatherers who practiced an annual subsistence pattern based on a series of seasonal moves designed to ensure their arrival at specific areas during the peak period of productivity for certain resources. Their life-style centered on careful attention to the cycles of nature and the habits and needs of wildlife and plants. Strict laws, including hunting, fishing, and gathering, were observed to guard and manage the plants, wildlife, water and other natural resources.

Salmon was historically one of the most abundant natural resources in the Scott River and was central to the religion, diet, and way of life of the Shasta, who fished with hook and line, spear, and harpoon. Other foods were also plentiful, with major protein sources including deer, bear, small mammals, birds, other anadromous fish, resident fish, turtles, and invertebrates such as mussels, grasshoppers, and crickets. Men hunted by tracking, driving, and smoking out. Women gathered seeds, bulbs, roots, insects, and grubs. They also trapped fish in baskets. Both men and women collected acorns and pine nuts. In addition, the Shasta practiced limited plant husbandry by burning areas to stimulate plant growth and encourage better seed harvests.

Shasta technology used a wide variety of materials including stone, bone, wood, shell, and plants obtained both locally and in trade with other groups. The Shasta relied heavily on obsidian for tools, but a variety of cherts and basalts were also used. The Shasta traded with their southern and western neighbors, the Wintu and the Hoopa but trade with the Klamath and Modoc to the east was not common.

The Shasta had a rich culture of songs, artistic works, and ceremonies. Elaborate ceremonies were held at certain points in the natural calendars, and these ceremonies were the main social gatherings for various villages and tribes. These ceremonies are still practiced today by the Shasta.

With the influx of miners into Siskiyou County in the 1850s, the traditional Shasta way of life was completely disrupted. In 1851, a treaty made with the three California divisions of the Shasta provided for a reservation in Scott Valley, but it was never ratified (Heizer, 1972:97-99), and "most of the Indians were murdered in the fort at Fort Jones" (Scott Valley History, 2007). Survivors went to the aid of the Oregon Shasta in the Rogue River Wars of 1851-1856. Those survivors were then taken to reservations in Oregon.

Some families returned to the Scott Valley, and several were living in the Quartz Valley/Oro Fino area in the 1930s. In 1937 and 1939, the federal government bought land at the mouth of Shackleford Creek under the Reorganization Act for native peoples, and the Quartz Valley Indian Reservation was established. In 1960, however, the Reservation was terminated, and, although the property was deeded to the Indians, most of the land was sold out of Indian ownership. In 1983, the termination was declared unlawful and the Reservation was legally reinstated. Today the Reservation is home to about 150 community members, and it provides services to the Indian people of both Scott Valley and Shasta Valley. The Reservation is a member of the Inter-Tribal Council of California.

As noted above, salmon was historically one of the most abundant natural resources in the Klamath River region. As described in some detail in Chapter 3.3, Biological Resources: Fisheries and Aquatic Habitat, historic and contemporary land use practices have caused a decline in salmonid stocks in the Scott River watershed and throughout the Klamath River Basin. This has had and continues to have a profound effect on the subsistence economies of Native American people, including disruption of traditional fishing practices and related ceremonies (Harling, 2006).

As stated in his cover letter for the Quartz Valley Indian Reservation's comments on the *Draft Action Plan for the Scott River Watershed Sediment and Temperature TMDL*, Tribal Vice Chairman Harold Bennett stated, "I would like to stress the Tribe's sentiment that the state of the Scott Watershed is in peril and needs immediate attention and action. The implementation schedule is not timely enough to protect the watershed in the face of climatic changes, future development, and increased land use. My people have seen the creeks and rivers of Scott Valley dry up and become seasonal waters. We have seen populations of coho salmon (*Oncorhynchus kisutch*), Chinook salmon (*O. tschawytscha*), steelhead (*O. mykiss*), and lamprey severely decline in the Scott watershed. To us, water is life. We are concerned about the future of our lives and call upon the North Coast and State Water Boards to protect and heal this watershed."[1]

Prehistory

No major archaeological investigations have been conducted in Scott Valley, but the area is believed to have been occupied by the Shasta and their predecessors during the same period as they were in Shasta Valley to the east. Therefore, the following summary of the results of general archaeological investigations in Shasta Valley is included as background information.

The earliest distinct cultural manifestations in Shasta Valley that can be solidly documented are defined by Nilsson (1991) as the Ager Phase which dates from 500 B.C. to A.D. 500. The artifact assemblage associated with this phase is characterized by Elko Corner-Notched, medium-sized side-notched and stemmed leaf-shaped projectile points manufactured nearly exclusively of Grasshopper Flat obsidians, as well as unifacial and bifacial manos, unifacial metates, end scrapers, and side-scrapers. Lithic technology during this period of time appears to focus on the reduction of imported, pre-formed obsidian bifaces; however, core reduction of local basalt materials were also commonly encountered. Faunal remains indicate that dietary patterns focused primarily on large and small terrestrial mammal species. Settlement pattern information appears to suggest that the river banks at the transition zone between the valley bottom and the upland region were occupied. The adjacent upland areas were utilized at least on a sporadic basis.

The Meek Phase follows the Ager Phase, which Nilsson (1991) dates to the period from A.D. 500 to historic contact. Projectile point types in this phase are dominated by Gunther Barbed series specimens, as well as a limited number of Desert Side-Notched series and other small corner-notched specimens; and the groundstone assemblage is similar to that of the preceding complex, except for the appearance of flat-ended and cylindrical pestles and, more rarely, hopper mortars. Also commonly found in site assemblages from this period are various bone tools and ornaments, shell beads, twined basketry, ceramic figurines, and pottery fragments identified as Siskiyou Utility Ware.

Lithic technology patterns typical of Meek Phase assemblages include core, biface, and bipolar techniques revolving around a reduction strategy which was multi-faceted and material specific. Also of note is the apparent increase in the number of obsidian sources utilized during this phase.

[1] The Quartz Valley Indian Reservation's comments on the Notice of Preparation for this Environmental Impact Report and on the Total Maximum Daily Load Action Plan are reproduced in full in Appendix E.

Whereas assemblages associated with the Ager Phase are dominated by a near exclusive use of obsidian from Grasshopper Flat, site assemblages associated with the Meek Phase reveal the presence of four additional Medicine Lake Highland glasses, as well as material from the Cougar Butte, Callahan, Glass Mountain, and Railroad Grade sources.

Subsistence data from Meek Phase site assemblages suggest a continued focus on terrestrial mammal species, but evidence for the exploitation of riverine resources begins to appear during this time period. Based on these data, coupled with the lack of fish bone and freshwater mollusk from Ager Phase site assemblages, Nilsson (1991) hypothesizes that shifts in subsistence patterns may have occurred during the Meek Phase as riverine resources began to be exploited and the reliance on land animals was lessened in favor of a broader-based economy.

Regional History

Siskiyou County was created in 1852 from the northern part of Shasta County and a part of what was formerly Klamath County. “Siskiyou is an Indian name of undetermined origin” according to Rensch et al. (1933), but Luecke (1982) provides two derivations. The French trappers called it *Six Cailloux* for the six stones or boulders in the Klamath River over which Hudson’s Bay Company trappers crossed, and the Indian council grounds on the north side of the Siskiyou Mountains was pronounced “Seeskalyou.”

The following discussion of the earliest travel and settlement in the area is excerpted from Hamusek et al. (1997) and Silva and Arnold (1999). Richard Silva and Keith Arnold are both Yreka residents and members of the California-Oregon Trails Association. They have conducted both extensive archival research and field verification of the early trails and roads through Siskiyou County.

The first Euroamericans to enter the area that became Siskiyou County appear to have been a company of Hudson’s Bay trappers and traders led by Peter Skene Ogden during the winter of 1826-1827. Over the next 20 years, trappers associated with the Hudson’s Bay Company were active in the area.

Mountain man Stephen Meek trapped beaver in Scott Valley in 1836. He came to know the area with a party led by Thomas McKay, another mountain man, and he later described Scott Valley as, "the richest place for beaver I have seen." The original names given by Meek to Scott River and Scott Valley were Beaver River and Beaver Valley. Meek returned many times to the Valley and is buried in Etna Cemetery (Scott Valley, 2007).

Then various wagon roads developed through the area bringing miners and homesteaders. The California-Oregon Trail was first traveled by a settler headed for Oregon in 1834. This trail skirted the western base of Mt. Shasta. In 1849, a party of wagons heading south from Oregon came over the Siskiyou Mountains to Shasta Valley, but “fearing the Native Americans and being concerned about the remoteness of the area,” the party returned to Oregon (Marschner, 2001). By the 1850s, the California-Oregon Trail had become a well-established wagon road. The first wagon team to reach Siskiyou County from the Sacramento Valley came in 1854. Traveling from

Red Bluff, the route headed north to Old Shasta, up over Scott Mountain, along the east side of the Valley to Fort Jones, then north along McAdams creek to Deadwood, and on to Yreka. Miners followed this trail and went up every creek and draw searching for gold.

Gold was first discovered in what became Siskiyou County on the South Fork of the Salmon River above Cecilville in the spring of 1849 by a group from Illinois. It was then discovered on the North Fork the next spring near present-day Sawyers Bar by a group of miners who came over Etna Mountain. In this rugged, mountainous terrain, supplies for the miners and early settlers could only be brought in by pack train, and freight was very costly. Sometimes supplies were brought from Callahan or Etna, but frequently they came over the Trinity Alps or from Arcata on the coast. A road was not built over Etna Summit until the 1890s, and the road from Callahan to Cecilville was not completed until the 1950s. Early trails and roads through Scott Valley have been thoroughly researched and mapped by Richard Silva and Keith Arnold (1999), both Yreka residents and members of the California-Oregon Trails Association.

A history of Euroamerican settlement in Scott Valley is provided below in a brief history of the major towns in the area, as well as a few of the smaller towns which no longer exist. These are listed in alphabetical order. Also included is a history of the only military fort in Scott Valley, Fort Jones.

Callahan

Callahan, originally called Callahan's, was named after Mathias Bernard Callahan, a merchant who established a trading route between Trinidad on the coast and Yreka. In 1851, he was on his way to Yreka with his wife when she floated off her horse while crossing the Scott River. An Indian boy rescued her; and by the time her husband arrived at her side, she had given birth to a premature son, weighing only three pounds. Callahan built a cabin here at the junction of the East Fork and South Fork of Scott River. He served meals to the miners and travelers, and in 1852 he began building the Callahan Ranch Hotel of hand-hewn logs. From 1854 to 1887, this was a stage stop on the Oregon Trail; and meals were served here until the 1930s. In 1880, the population of Callahan was 115, and, in addition to the hotel, there were two stores, a post office, school, church, blacksmith shop, and telegraph office. The post office was established in 1858 as Callahan's Ranch (Luecke, 1982; Scott Valley, 2007).

Deadwood

At the north end of Scott Valley, approximately seven miles north of Fort Jones, was the town of Deadwood at the junction of Deadwood and Cherry Creeks. This town began in 1851, and there were enough people in 1852 to establish an election precinct. In an 1856 election to establish the county seat for Siskiyou County, Deadwood lost by "just a few votes." This busy mining town had a trading post, boarding house, bakery, dairy, two hotels, and a blacksmith shop. Many residents died during a smallpox epidemic in 1854, and most of the town was destroyed by fire in 1861 (Luecke, 1982). The town's claim to fame is that "Joaquin Miller, then a mere youth, wrote his first poem in honor of the marriage of Deadwood's cook to a woman in Yreka. Miller recited the poem at the reception given for the bride and groom on their return to Deadwood" (Rensch et al., 1933).

Etna

The site of present-day Etna was originally called Rough-and-Ready, and there was one house and one sawmill here in 1853. Aetna Mills, a larger town, was approximately one mile south with a flour mill, distillery, sawmill, machine shop, stores, hotel, and post office. Following the disastrous floods on Etna Creek (then called Whisky Creek) in 1861 and 1862, the post office was moved from Aetna Mills to Rough-and-Ready and re-named Etna Mills. The town name was changed to Etna in 1870, and it was incorporated in 1878 (Luecke, 1982).

Water was supplied to Etna by a ditch from Mill Creek about two miles above the town. This furnished power to the flour mill, sawmill, furniture factory, brewery, and marble works, besides being used for irrigation on some of the adjacent ranches (Wells, 1881). Wells also notes that goods were transported to Etna businesses by several pack mule teams. Some 200 mules reportedly packed 600,000 pounds of all classes of goods across the Salmon Mountains annually.

Fort Jones (town)

This town had its beginnings when a Mr. Brown and a Mr. Kelly built a cabin here in 1851; then the following year, O. C. Wheelock bought this cabin and established a "house of public entertainment" and a trading post and named the town Wheelocks. Until 1860, the town was also known as Scottsburg and Scottsville; and in 1854, the post office was established as Ottitiewa, which is the Indian name for the Scott Valley branch of the Shasta tribe. The name was again changed in 1860 to Fort Jones for the fort nearby to the south, although the fort had already been abandoned by this time (see below). The town of Fort Jones was an active trading center for miners and ranchers alike; and there were numerous stores, a livery stable, and a hotel. In the 1880 census, the town had a population of 400 (Luecke, 1982).

Fort Jones (military fort)

The fort was named for Colonel Roger Jones, Brevet Major General, who served as the Adjutant General of the Army from 1825 to 1852, the year he died. Companies A and B, First United States Dragoons, established this military post in October 1852 which was garrisoned by Company E 4th United States Infantry, under the command of Major Edward H. Fitzgerald. George Crook, who later became a well-known general, arrived at the fort as a second lieutenant in 1853; and, shortly thereafter, the two-company post was reduced to a single company of 30 men, under the command of Captain Henry M. Judah (Hart, 2007; Luecke, 1982).

Hart (2007) relates the following incident taken from Crook's autobiography. When the command took to the field in January 1854, leaving a detachment at Fort Jones under the command of a noncommissioned officer, Crook led the advance guard, and Judah remained with a rear guard composed mainly of volunteers from Yreka. Crook wrote, "It seemed that the rear guard had gotten some whiskey and were all drunk and scattered for at least 10 miles back. Judah was so drunk that he had to be lifted from his horse when the rear guard straggled into camp." Indians were found barricaded in a cave near where they had killed a party of white men. Judah proposed to charge but his plan was countermanded when a company arrived from Fort Lane,

Oregon. Their superior officer parlayed with the Indians, and when he found that they had killed in self-defense, he permitted them to escape.

The fort was officially abandoned in 1857, and it was evacuated in June, 1858. In 1864, it was reoccupied for a short period by the 1st Battalion of Mountaineers, California Volunteers, who were organized from the local area "to fight hostile Indians south of Scott Valley" (Hart, 2007).

Greenview

This community was established in 1894 and was first called Hayes (also spelled Hays) Corner, because the Hayes family had built several homes on their homestead. Siskiyou County's first creamery was established here, and the town was a crossroads between Etna, Oro Fino, and Fort Jones. The name was changed to Greenview in 1900 when the post office was established, and this name reportedly came from the view the Green family had from their home (Luecke 1982; Scott Valley, 2007).

Hardscrabble

This town established itself in 1854 near the junction of McAdam Creek and Hardscrabble Gulch between Deadwood and Fort Jones; and there was a dairy and a blacksmith and wagon shop. When the area was thought to be mined out by the Euroamericans, the Chinese moved here in 1855 and extracted more gold working as the Gee Wah Company (Luecke 1982).

Hooperville

This town was started in 1853 on Indian Creek approximately one mile west of Hardscrabble, and it was named for Frank Hooper who ran a trading post nearby. Horace Knights had a store to the north at the mouth of Hi-You Gulch, and the mining camp grew into a town with "a hundred miners in the gulches and along the creek by Christmas." Caleb Gartrill then opened another store down the creek, and this became Hooperville, with a school, a post office, and a baseball team. As with Hardscrabble, the Euroamericans left, and most of the claims were taken over by Chinese miners (Luecke, 1982).

Mugginsville

This town is in the portion of the watershed identified as Quartz Valley, and was first settled by Euroamericans in 1851 when W. J. Evans established a ranch there. This became the center of quartz mining in the region in the 1850s and '60s, and current maps show numerous mines in the area. The town had a post office, eight stamp mills, a grist mill, a store, a hotel, and a blacksmith shop; and in 1860, 300 voters turned out for the election. Asa Howard was postmaster, and at his house, built in 1899, "many a fine party was held in the upstairs ballroom" (Luecke, 1982; Scott Valley, 2007).

Oro Fino

Oro Fino, which means "fine gold" in Spanish was once a prosperous mining community, being the area of one of the richest strikes in all Siskiyou County. There were two large hydraulic

claims, a quartz mill, a store, a hotel and a post office that operated from 1861 to 1903. The town reportedly has the first white man's grave in Siskiyou County, for Jno. B. Smith, who died June 10, 1839. Mining dwindled in Oro Fino by the 1880s, but resumed again for a period in the 1930s and '40s (Luecke, 1982).

Scott Bar

As noted above, the town of Scott Bar, and the river which bears his name, were named for John W. Scott who discovered gold in the area. The original town was on the west side of the river, but it was moved across the river because the mining was better and also because the east side was a better location for a town site. In 1851, the town had 50 houses, as well as saloons, stores, and boarding houses. In 1853, a theater was built, and the post office was established as Scott River. Post office records show the date of the name change to Scott Bar as July 17, 1906 (Luecke, 1982).

During the first quarter of the twentieth century, logging grew as the economic mainstay of the county, along with ranching and agriculture. Sufficient roads and bridges into the County were vital to the growth of the local economy, yet pleas for funding were ignored by the California state government. Because of their discontent, various attempts were made beginning in 1852 by several northern California and southern Oregon counties who were trying to secede from their respective states to form a new state called Jefferson. The most recent attempt was in 1941, but the outbreak of World War II interrupted their efforts (Rock, 1985).

Since 1950, gold mining has continued as small-scale operations in the lower Scott River near Scott Bar, and sand and gravel mining has occurred along Scott River and Kidder Creek at varying intensities over the years (SWRC, 2005).

In the mid-1940s, Highway 97, better known as the Al-Can Highway, which runs from Weed, California, to Alaska, was completed. In the following decades, Siskiyou County has remained a quiet, sparsely populated area. Changing government regulations have led to the decline of logging in the area, which has been replaced in part by tourism and outdoor recreation. The alignment of Interstate-5 through Weed and Yreka was finalized in the mid-1960s by the State of California.

3.5.2 Literature and Record Search Results

A cursory review of maps and records at the Northeast Center of the California Historical Resources Information System, California State University, Chico (NE/CHRIS) was conducted by Trudy Vaughan, Principal of Coyote & Fox Enterprises,[2] in January 2007, with an update in September 2008, to provide general information on the extent of archaeological surveys within the watershed and the number and types of prehistoric and historic sites recorded.

[2] Trudy Vaughan is Principal of Coyote & Fox Enterprises (CFE), a subcontractor to Environmental Science Associates to prepare the Cultural Resources section of this document.

Cultural resources include prehistoric and historic archaeological sites, districts, and objects, standing historic structures, locations of important historic events, and sites of traditional cultural properties. Prehistoric resources include sites, features, and artifacts associated with indigenous Californians, generally prior to contact with people of European descent. Historic resources include structures, features, artifacts, and sites that date from Euroamerican settlement of the region; and to be an "historic" resource, it must be more than 50 years old.

The review of records at NE/CHRIS consisted of a review of the NE/CHRIS atlas of all 7.5' and 15' USGS topographic maps within the watershed, noting the extent of archaeological surveys and the number and types of prehistoric and historic sites recorded. Also, the following documents were reviewed: *National Register of Historic Places - Listed Properties and Determined Eligible Properties* (1990 and supplements through July 2008 by National Park Service), the *California Register of Historic Resources* (2002), *California Points of Historical Interest* (1992), *California Historical Landmarks* (1996), and the NE/CHRIS Historic Property Data File for Siskiyou County. The only site within Scott Valley which is listed on the National Register of Historic Places is the Fort Jones House, also known as the Louis Heller Studio or Herzberg Residence, on Main Street in Fort Jones.

Records indicate that archaeological surveys have been conducted over approximately 30 percent, of the watershed. Relatively little surveying has been conducted on Klamath National Forest lands, and the largest surveys have been conducted on private timber lands by Registered Professional Foresters (RPFs). Three of the largest surveys of this type are Busby and Staley (1995a, 1995b) and Tsudama (2000), each of which covered approximately 2,000 acres. RPFs have received training in the identification and recording of cultural resources through the California Department of Forestry and Fire Protection (CDF), and they are only authorized to conduct this work for CDF. These surveys, therefore, while providing some information on the cultural resources in the area, are not accepted under federal and state laws as meeting the cultural resource requirements of a professional archaeologist.

An example of a larger survey conducted by professional archaeologists is Nilsson et al. (1996), which covered numerous sections for a proposed land exchange to The Trust for Public Land. Linear surveys have been conducted along the major roads, mostly by the California Department of Transportation; and other linear surveys have been conducted for power lines and fiber optic cable routes, one of the latter being Demos (1996). There have also been approximately 80 small surveys covering from a few to 50+ acres for private parcel splits and small development projects. These are scattered throughout the watershed, but are concentrated around the various towns and small communities. Examples of these are Winthrop (1982) and Vaughan (1995, 2005a).

Specific to the Program, numerous small cultural resource surveys have been conducted for Siskiyou Resource Conservation District (SQRCD) for such undertakings as fencing projects to keep cattle from streams, fish screens, bank stabilization, instream restoration, and stock water projects. Between October 1998 and April 2006, Coyote & Fox Enterprises conducted an archaeological survey at 43 locations within Scott Valley for various projects, mostly on private land and mostly along streams. This work resulted in 11 separate reports, with from two to six

projects per report, and two examples are cited (Vaughan, 2002, 2005b). Similar small surveys have also been conducted throughout the Valley for SQRCD by other cultural resource consultants.

The review of maps at NE/CHRIS showed that approximately 230 archaeological sites have been recorded to date with the Scott River watershed, approximately 25 percent of which are prehistoric and 75 percent are historic. Undoubtedly, historic mining activity and more recent development has destroyed many prehistoric sites. As noted above, time did not permit a review of all site forms. Prehistoric site forms reviewed indicate that most of prehistoric sites are lithic scatters, with a few midden sites, and one noted housepit village. Most of the historic sites are related to mining and include mines, mine complexes, tailings, water conveyance ditches, and mining camps and associated debris scatters. Several sites identified as homesteads and structure remains were also noted, and there are also recorded camps of the Civilian Conservation Corps, such as the one at Deadwood (T44N, R9W, S12). Listed below, as examples, are four sites within the watershed, three of the larger historic sites and one prehistoric village site. None of these sites has been evaluated for its eligibility to the National Register of Historic Places, and, therefore, each must be considered potentially eligible until such time as it is formally evaluated.

(1) *CA-SIS-1039H (Spring Town Mining Complex)* is the historic remains of the town of Spring Town and the surrounding mining complex located along the South Fork Scott River (T40N, R9W, Sections 26 & 35). The site encompasses approximately 100 acres and includes historic debris, rock alignments, extensive tailings, and water conveyance ditches, one of which has the remains of a wooden flume. This site dates to the 1860s/1870s.

(2) *CA-SIS-2203H (San Jose Ditch)* is a 10-14 mile ditch which runs along the Scott River in the vicinity of Scott Bar. This water conveyance ditch was first constructed in 1874, then rebuilt in 1910 and used into the 1930s. It was identified by Wells (1881) as one of the most important ditches in Siskiyou County.

(3) *CA-SIS-2850H (Scott Valley Tailings)* is an area of tailings encompassing approximately 600 acres that extends north from Callahan approximately five miles along the Scott River. The majority of the tailings are believed to be from dredger operations circa 1900-1920.

(4) *CA-SIS-3299 (Dowling Site)* is a prehistoric village site located between Fort Jones and Etna approximately one mile west of Scott River, upslope from the Valley floor. The site encompasses approximately 22,000 square meters (7 acres) and includes five housepit depressions, midden, obsidian and chert flakes and tools, some groundstone artifacts, freshwater mussel shell, and fire-cracked rock.

Although numerous archaeological sites have been recorded within the watershed, there are undoubtedly many more historic and prehistoric sites. As stated above, only approximately 30 percent of the area has had archaeological survey, and much of this survey has not been conducted by professional archaeologists. The map review conducted at NE/CHRIS also showed many place names for mines, ditches, and abandoned towns which have not been recorded, nor have the ethnographic villages noted above.

3.5.3 Regulatory Setting

Federal Regulations

If a Covered Activity performed under the Program falls under the jurisdiction of a federal agency, either through federal funding, or the requirement of a federal permit, section 106 of the National Historic Preservation Act of 1966 (Preservation Act) and its amendments; the regulations that implement section 106 (36 Code of Federal Regulations Part 800); section 101(b)(4) in the National Environmental Policy Act; and the Archaeological Resources Protection Act would apply. Under the Preservation Act, if a historic resource (a prehistoric or historic archaeological site) is recorded within the impact area of a specific project and the site cannot be avoided, it must be evaluated for its eligibility for inclusion on the National Register of Historic Places.

State Regulations

The California Environmental Quality Act (CEQA) requires that public or private projects financed or approved by public agencies must assess the effects of the project on historical resources. CEQA also applies to effects on archaeological sites, which may be included among "historical resources" as defined by the CEQA *Guidelines*, § 15064.5(a), or, in the alternative, may be subject to the provisions of Public Resources Code, § 21083.2, which governs review of "unique archaeological resources." Historical resources may generally include buildings, sites, structures, objects or districts, each of which may have historical, architectural, archaeological, cultural, or scientific significance.

Under CEQA, "historical resources" include the following:

(1) A resource listed in, or determined to be eligible by the State Historical Resources Commission for listing in, the California Register of Historical Resources (CRHR) (Public Resources Code, § 5024.1.)

(2) A resource included in a local register of historical resources, as defined in Public Resources Code, § 5020.1(k) or identified as significant in a historical resource survey meeting the requirements of Public Resources Code, § 5024.1(g), shall be presumed to be historically or culturally significant. Public agencies must treat any such resources as significant, unless the preponderance of evidence demonstrates that it is not historically or culturally significant.

(3) Any object, building, structure, site, area, place, record, or manuscript which a lead agency determines to be historically significant or significant in the architectural, engineering, scientific, economic, agricultural, educational, social, political, military, or cultural annals of California may be considered to be a historical resource, provided the lead agency's determination is supported by substantial evidence in light of the whole record. Generally, a resource shall be considered by the lead agency to be "historically significant" if the resource meets the criteria for listing on the CRHR (Public Resources Code, § 5024.1):

    (A) Is associated with events that have made a significant contribution to the broad patterns of California's history and cultural heritage; or

(B) Is associated with the lives of persons important in our past; or

(C) Embodies the distinctive characteristics of a type, period, region, or method of construction, or represents the work of an important creative individual, or possesses high artistic values; or

(D) Has yielded, or may be likely to yield, information important in prehistory or history.

(4) The fact that a resource is not listed in or determined to be eligible for listing in the CRHR, is not included in a local register of historical resources (pursuant to Public Resources Code, § 5020.1(k)), or is not identified in a historical resources survey (meeting the criteria in Public Resources Code, § 5024.1(g)), does not preclude a lead agency from determining that the resource may be a historical resource as defined in Public Resources Code, § 5020.1(j) or § 5024.1.

Archaeological resources that are not "historical resources" according to the above definitions may be "unique archaeological resources" as defined in Public Resources Code, § 21083.2, which also generally provides that "non-unique archaeological resources" do not receive any protection under CEQA. If an archaeological resource is neither a "unique archaeological" nor an "historical resource," the effects of the Program on those resources will not be considered a significant effect. It will be sufficient that both the resource and the impact on it are noted in the Draft Environmental Impact Report (EIR), but they need not be considered further in the CEQA process.

In summary, CEQA requires that if a project (in this case, the Program) results in an effect that may cause a substantial adverse change in the significance of a historical resource, or would cause significant effects on a unique archaeological resource, then alternatives to the Program or mitigation measures must be considered.

Local Regulations

The Scott River watershed, and all of the areas where Covered Activities would occur, falls under the land use jurisdiction of Siskiyou County. Different sections in the County's General Plan have been updated over time. The Siskiyou County General Plan Land Use and Circulation Element was last updated in 1980, while the Conservation Element was updated in 1973. The General Plan provides only broad recommendations for the protection of cultural resources. The Archaeology section in the Conservation Element of the General Plan (pp 104-108) states that Siskiyou County "has a wealth of archaeological history within its borders" and the County shall "preserve, protect, and develop the County's Archaeological, Paleontological, and Historic as well as Geologic sites." To that end, the General Plan requires the County to 1) strictly enforce state laws which prohibit unauthorized excavation on all lands under its jurisdiction; and 2) encourage scientific excavation, with all projects directed to the Siskiyou County Museum or Historical Society for guidance to assure that the proper procedures are followed which will insure the validity and authenticity of any and all finds.

In 1980, Siskiyou County also published the Scott Valley Area Plan and Environmental Impact Report (Siskiyou County Area Plan Number 1). There is no mention of cultural resources or archaeological sites in this document.

3.5.4 Impacts and Mitigation Measures

Significance Criteria

For the purposes of this Draft EIR, and based on Appendix G in the CEQA *Guidelines*, the Program would have a significant impact on cultural resources if it were to do any of the following:

a) Cause a substantial adverse change in the significance of a historical resource as defined in CEQA *Guidelines*, § 15064.5;

b) Cause a substantial adverse change in the significance of a unique archaeological resource pursuant to CEQA *Guidelines*, § 15064.5;

c) Directly or indirectly destroy a unique paleontological resource or site; or

d) Disturb any human remains, including those interred outside of formal cemeteries.

Impact Analysis

Impact 3.5-1: Impacts to known and unknown cultural resources may result either directly or indirectly during the implementation and operational phases of a Covered Activity under the Program (Significant).

Impacts on cultural resources could result from ground-disturbing activities and/or activities that damage, destroy, or alter historic structures. Ground-disturbing activities, which include Program-related excavation, grading, trenching, or other surface and subsurface disturbance, could damage or destroy both surface and buried archaeological resources including prehistoric and historic remains, paleontological resources and human burials. Program measures to address potential impacts to paleontological resources and human remains are described in greater detail in Impacts 3.5-2 and 3.5-3.

Mitigation Measures Proposed as Part of the Program

Mitigation Measure 3.5-1a: Master List of Terms and Conditions (MLTC) Condition 102 states that prior to any ground-disturbing activities, the responsible party shall contract with at least one qualified archaeologist and paleontologist to complete cultural and paleontological resource surveys, to identify any previously recorded and unknown historical resources, unique archeological resources, or unique paleontological resources, using standard survey protocols. The survey report must be provided to the California Department of Fish and Game (CDFG) for review and approval prior to any ground-disturbing activities.

Mitigation Measure 3.5-1b: MLTC Condition 103 notes that if any potentially significant historical resources, unique archaeological resources and/or paleontological resources are identified at the work site, CDFG shall consult with the consulting archaeologist or paleontologist to identify one or more of the following protective measures, or site specific measures, to be implemented at the project site before work may proceed:

- Redesign of proposed work to avoid disturbance of cultural or paleontological resources;

- Fencing to prevent accidental disturbance of cultural or paleontological resources during construction; and/or

- On-site monitoring by a cultural and/or paleontological resource professional during construction to assure that resources are not disturbed.

Mitigation Measure 3.5-1c: MLTC Condition 104 states that the responsible party shall report any previously unknown historical resources, unique archaeological resources, and paleontological remains discovered at the site to CDFG and other appropriate agencies.

Mitigation Measure 3.5-1d: MLTC Condition 105 states that if cultural resources such as lithic debitage, groundstone, historic debris, building foundations, or bone are discovered during ground-disturbing activities, work shall cease within 20 meters (66 feet) of the discovery. Furthermore, work near archaeological finds shall not resume until a professional archaeologist has evaluated the materials and offered recommendations for further action.

Mitigation Measure 3.5-1e: MLTC Condition 108 states that the responsible party shall instruct all persons who will be completing any ground-disturbing activity at a worksite to comply with conditions set forth in the SAA Memorandum of Understanding (MOU) and to inspect each work site before, during and after completion of ground-disturbing activity at the work site.

Mitigation Measures Identified in this Draft EIR

Mitigation Measure 3.5-1f: Prior to carrying out MLTC Condition 102, a determination shall first be made as to whether the area has had an adequate archaeological survey by a professional archaeologist and whether any historic or prehistoric sites have been recorded within a ¼-mile radius of the project area. This records review may be conducted at NE/CHRIS on a case-by-case basis for each project. Alternatively, a professional archaeologist will be contracted to conduct a watershed-wide records search at NE/CHRIS and prepare a map showing the previous surveys and recorded sites. An update of this information would then be prepared at least every two years. This map, which will show the locations of archaeological sites, would be considered confidential and made available only to individuals on an as-needed basis.

Mitigation Measure 3.5-1g: If none of the protective measures described in MLTC Condition 103 can be implemented, then an archaeological data recovery program (ADRP) shall be implemented, unless the professional archaeologist determines that the archaeological resource is of greater interpretive use than research significance and that interpretive use of the resource is feasible. The project archaeologist and CDFG shall meet and consult to determine the scope of the ADRP, and the project archaeologist shall prepare a research design for the project which shall be submitted to CDFG for review and approval. This document shall identify how the proposed data recovery program would preserve the significant information the archaeological resource is expected to contain. The document will specifically identify the scientific/historical research questions being asked, the archaeological resources' expected data classes, and how the expected data classes

would address the applicable research questions. Following approval of the plan by CDFG, the ADRP shall be implemented and a report prepared.

Data recovery, in general, should be limited to the portions of the historical property that could be adversely affected by the proposed project. Destructive data recovery methods shall not be applied to portions of the archaeological resources if nondestructive methods are practical. All significant cultural materials recovered shall be, as necessary, subject to scientific analysis, professional museum curation, and a report shall be prepared by a qualified archaeologist according to current professional standards.

Mitigation Measure 3.5-1h: If built historical resources (e.g. structures, buildings, or similar) that qualify for listing in the California Register of Historic Resources (CEQA *Guidelines*, § 15064.5)) are identified through the implementation of measure MLTC Condition 102 and cannot be avoided through implementation of measure MLTC Condition 103, SQRCD or the Agricultural Operator will comply with the *Secretary of the Interior's Standards for the Treatment of Historic Properties* (Standards) which would, in accordance with CEQA *Guidelines*, § 15064.5(b)(3), reduce potential impacts associated with the alteration or modification of a historical resource (including historic districts and individually eligible resources) to a less-than-significant level.

If both avoidance and compliance with the Standards are infeasible, the Covered Activity in question shall be changed or not pursued, such that the historical resource is not destroyed or altered. Activities that would result in such disturbance are not authorized under the Program because SQRCD or the Agricultural Operator would be unable to mitigate the impact to a point where clearly no significant effect on the environment would occur.

Level of Significance after Mitigation

Implementation of Mitigation Measures 3.5-1a through 3.5-1h would reduce the potential impacts to known and unknown cultural resources to a less-than-significant level.

Impact 3.5-2: Covered Activities could adversely affect known or unknown paleontological resources (Significant).

As described in Impact 3.5-1, impacts on paleontological resources could result from ground-disturbing activities. This would be considered a significant impact.

Mitigation Measures Proposed as Part of the Program

Mitigation Measure 3.5-2a: Implement **Mitigation Measures 3.5-1a – 3.5-1e** (MLTC Conditions 102, 103, 104, 105 and 108), as described above.

Mitigation Measures Identified in this Draft EIR

Mitigation Measure 3.5-2b: MLTC Condition 105 (see Mitigation Measure 3.5-1d) states that if cultural resources such as lithic debitage, groundstone, historic debris, building foundations, or bone are discovered during ground-disturbing activities, work shall cease

within 20 meters (66 feet) of the discovery. Work near the archaeological finds shall not resume until a professional archaeologist has evaluated the materials and offered recommendations for further action. This measure does not, however, specify the criteria for protecting paleontological resources. Therefore, in the event of an unanticipated paleontological discovery during ground-disturbing activities, the following measure shall be implemented:

- Temporarily halt or divert work within 20 meters (66 feet) of the find until the discovery is examined by a qualified paleontologist (per Society of Vertebrate Paleontology standards).[3]

- Document the discovery as needed, evaluate the potential resource, and assess the significance of the find under the criteria set forth in CEQA *Guidelines*, § 15064.5.

- Notify the appropriate agencies to determine procedures that would be followed before construction is allowed to resume at the location of the find.

- If CDFG determines that avoidance is not feasible, the paleontologist shall prepare an excavation plan for mitigating the effect of the project on the qualities that make the resource important, and such plan shall be implemented. The plan shall be submitted to the CDFG for review and approval.

Level of Significance after Mitigation

Implementation of Mitigation Measures 3.5a and 3.5-2b would reduce the potential impacts to paleontological resources to a less-than-significant level.

Impact 3.5-3: Covered Activities could result in damage to previously unidentified human remains (Less than Significant).

Impacts on unidentified human remains could result from ground-disturbing activities. Ground-disturbing activities, which include project-related excavation, grading, trenching, or other surface and subsurface disturbance, could damage or destroy buried human remains. The Program includes the following measures to address this potential impact:

- MLTC Condition 106, which states, "In the event of inadvertent discovery of human remains during project construction, work shall cease within 20 meters (66 feet) of the discovery location, and any nearby area reasonably suspected to overlie adjacent to human remains (see Public Resources Code, § 7050.5). The County Coroner shall be contacted to determine if the cause of death must be investigated. If the Coroner determines that the remains are of Native American origin, the responsible party shall comply with state laws relating to the disposition of Native American burials, which fall within the jurisdiction of the Native American Heritage Commission (NAHC) (Public Resources Code, § 5097)." The Coroner shall contact the NAHC, who shall contact the descendants or most likely descendants of the deceased.

[3] Society of Vertebrate Paleontology Professional standards may be found at: www.vertpaleo.org/society/ethics.cfm

- MLTC Condition 107, which states, "The responsible party shall insure that the immediate vicinity where Native American human remains are located, according to generally accepted cultural or archeological standards or practices, is not damaged or disturbed by further ground-disturbing activity until the responsible party has discussed and conferred with the most likely descendents regarding their wishes, taking into account the possibility of multiple human remains, as provided in Public Resources Code, § 5097.98. Work may resume if NAHC is unable to identify a descendant, or the descendant fails to make a recommendation." Work may resume if NAHC is unable to identify a descendant, or the descendant fails to make a recommendation."

- MLTC Condition 108, which states, "[T]he responsible party shall instruct all persons who will be completing any ground-disturbing activity at a worksite to comply with conditions set forth in this Agreement and shall inspect each work site before, during and after completion of ground-disturbing activity at the work site."

MLTC Conditions 106, 107, and 108 would ensure that impacts to previously undiscovered human remains are less than significant.

Mitigation Measures

This potential impact was determined to be less than significant. No mitigation measures are required.

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